Executive Summary and Recommendations

City of Westminster

Title of Report: **Changing Council Governance Arrangements: A Consultation**

Date: 24 February 2009

1.   Summary

1.1   A further consultation paper has been issued by the Department of Communities and Local Government as part of a series arising from the White Paper "Communities in Control: Real People, Real Power".

1.2   The latest consultation paper relates to the proposals to make it easier to hold a referendum on moving to a new form of governance arrangements. It includes proposals to make it easier for local people to decide to have a directly elected Mayor and also seeks views on proposals to reduce the threshold for a petition to trigger a referendum and on permitting the use of e-petitioning to demonstrate support for a governance referendum.

2.   Recommendation

2.1   That the proposed response to the Consultation Paper as set in Section 3.2 of the report be approved.

City of Westminster

General Purposes Committee

Item No:	
Date:	24 February 2009
Classification:	For General Release
Title of Report:	Changing Council Governance Arrangements: A Consultation
Report of:	Head of Administrative Services
Wards involved:	Not applicable
Policy context:	Management of the Council
Financial summary:	There are no financial implications
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3.   Background Information

3.1   The consultation "Changing Council Governance Arrangements" is the latest in a series of consultations by the Department of Communities and Local Government, pursuant to the government's wider agenda to "modernise our democratic system, to strengthen participatory democracy and …to deliver genuine empowerment to local people and local communities – passing more power to more people through every practical means". The consultation focuses on proposals "to make it easier for people in England to demand that their local leaders hold a governance referendum on moving to a new form of governance arrangements". It includes proposals to make it easier for local people to decide to have a directly elected mayor. The consultation also considers a process whereby a decision to have a directly elected mayor can be reversed by a governance referendum or vote of the council.

3.2   There are seven specific consultation questions and these are set out below with proposals for how the Council might respond.

Question 1

Should we remove the special requirements that a proposal to move from a Mayor and Cabinet Executive must include a statement setting out the arguments for and against the change and the Council's reasons for wanting to make that change?

Proposed Response

Such a significant change should require full arrangements for and against to be given, including the reasons for the proposal.

Question 2

Do you agree with the proposal that the moratorium period should be reduced from ten years to four years where a governance referendum does not result in a change?

Proposed Response

The City Council is of the view that the electorate has the opportunity to exercise its views on the way in which the Council operates every 4 years at the local elections. There would not appear to be any special reasons why the period should be reduced to four years. The cost associated with the process must also be considered which are better targeted at frontline services. The prospect of frequent change, even if this does not lead to change can be de-stabilising when, as the Council has found a stable political structure assists in the delivery of excellent services.

There is no evidence in Westminster of support for change.

Question 3:

Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced, bearing in mind the considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change.

Question 4

Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be?

Question 5

Should the threshold be a percentage, but subject to certain minimum and maximum numerical thresholds? What should those percentage and numerical thresholds be?

Question 6

Do you agree that a traditional paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes, by e-petitioning?

Question 7

Do you agree that e-petitioning for a governance referendum must be through a secure e-petitioning facility provides by the council concerned?

Proposed Response to questions 3-7

The City Council's view is that the current petition threshold should not be lowered. The Westminster Scrutiny Commission considered the issue of petitioning in 2008 and agreed that the threshold should in fact be 10% of eligible voters in order to ensure that petitions for action do not become a significant additional burden on local authorities. Bearing in mind that successful governance petitions lead to full scale referendums with their associated costs and that available national evidence suggests that there is limited interest in changing governance arrangements, the Council does not support any reduction of the current threshold but urges that it be increased from 5% to10%, especially if e-petitions are to be allowed. The experience of 10, Downing Street e-petitioning and of councils such as Bristol who have piloted the facility, is that people find it easier to e-petition and so more signatures are gathered. Therefore allowing e-petitions will make it far more likely that petitions on governance referendums would reach the current 5% threshold.

The Secretary of State has already announced in a 2008 White Paper that the Government intends to introduce a new duty on local authorities to respond to all petitions including e-petitions. Given the potential cost implications of a successful e-petition on governance arrangements it is critical that the e-petitioning facility is secure. The City Council's view is that if e-petitioning is required by the Government, additional resources must be made available to enable local authorities to set up secure arrangements.

4.   Legal Implications

4.1   These are set out in the body of the report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT: RON CORK ON 020 7641 3132

Background Papers

- CLG Consultation Paper re: Changing Council Governance Arrangements – Mayors and Indirectly Elected Leaders published on 15.12.08